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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,106	09/26/2003	Rami Caspi	2003P08211US	7727

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LEE, JUSTIN YE

ART UNIT	PAPER NUMBER
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2617

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07/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,106	Applicant(s) CASPI ET AL.	
	Examiner Justin Y. Lee	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/2008 has been entered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “availability of the **user including being independent of the wireless device**” and “**including independently of the wireless device**” is not disclosed in the specification or drawings.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 9 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the device" in last line of claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the user" in last line of claim 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the first and second geographic ranges" in last line of claim 14. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1, 4-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, JR. (U.S. 2001/0042849 A1) in view of Camhi (US 6,762,684) and further in view of Mamdani et al. (US 2006/0003780 A1).

As to claim 1, Jones discloses:

A telecommunications device (20), comprising:

a positioning controller (GPS 22) adapted to determine positioning information for said telecommunications device (paragraph 19); and a wireless communications controller (24) adapted to receive said positioning information from said positioning controller and cause an audible alarm ("speaker or buzzer" - paragraph 24) to be generated if said telecommunications device is determined to be out of a first predetermined geographic range (paragraph 19, 23); wherein said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device (40) when said telecommunications device is determined to be outside said first predetermined geographic range (paragraph 24).

However, Jones fails to disclose said telecommunications device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated.

In a similar field of endeavor, Camhi discloses a system where upon detecting that the subject is beyond his permitted geographic confines, the processor may implement the annunciator to provide an audible or visual warning to the subject followed by a communication of such out of boundary condition to the central station, in

the event the subject does not correct the out of boundary condition within a specified time interval (see column 5, lines 14-23), which reads on the claimed, "said wireless controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunication device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jones with Camhi to include the above delay before reporting the out of boundary condition in order to allow the subject a chance to correct the condition as suggested by Camhi (see column 5, lines 14-23).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones and Camhi do not disclose a presence controller for defining one or more availability rules associated with a user of the device depending on a position condition of the telecommunications device.

Mamdani et al. further disclose a presence controller (rules engine 254) for defining one or more availability rules associated with a user of the device depending on a position condition of the telecommunications device (paragraph 42, rules engine 254 uses location information from location server 259 to determine what information should be sent to the mobile subscriber 110. The rules engine 254 knows what kind of

notifications (the notifications are the rules set by the user) should be sent to the user depending on the position of the user device.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mamdani et al. into the teachings of Jones and Camhi for the purposes of notifying the mobile subscriber about information regarding to the mobile subscriber's current location (paragraph 42).

As to claim 4, Jones and Camhi and Mamdani et al. teach everything as applied in claim 1 and Jones also discloses:

positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (paragraph 24).

As to claim 5, Jones and Camhi and Mamdani et al. teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a cellular telephone controller (paragraph 19).

As to claim 6, Jones and Camhi and Mamdani et al. teach everything as applied in claims 1 and 4 and Jones also discloses:

said wireless communications controller is a personal communications service (PCS) controller (paragraph 19).

As to claim 7, Jones and Camhi and Mamdani et al. teach everything as applied in claim 1 and Jones also discloses:

said predetermined range includes a geographic, date, daily routine, and time-of-day ranges (paragraph 20).

As to claim 8, Jones and Camhi and Mamdani et al. teach everything as applied in claim 1 and Jones also discloses:

said positioning controller is adapted to receive predetermined range information via said wireless communications controller (paragraph 23).

As to claim 9, Jones discloses:

A telecommunications system (Figure 1), comprising:

a wireless device (20) including a positioning controller (22) and a communications controller (24), said wireless device adapted to cause an audible warning to be generated if said wireless device is determined to be outside a first predetermined geographic range (paragraph 19, 23); and an administrative device (40) for receiving alerts from said wireless communication device via said communications controller when said positioning controller determines that said wireless device is outside said first predetermined geographic range (paragraph 24);

availability of the user including being independent of the wireless device (abstract, the system reports the wearer of a wireless communications device is unavailable within the predetermined location).

However, Jones fails to disclose for longer than a predetermined period or is outside said first predetermined geographic range and a second predetermined geographic range and after said audible warning has been generated, but wherein said

positioning controller does not send an alert if said wireless device returns to said first predetermined geographic range within the predetermined period.

In a similar field of endeavor, Camhi discloses a system where upon detecting that the subject is beyond his permitted geographic confines, the processor may implement the annunciator to provide an audible or visual warning to the subject followed by a communication of such out of boundary condition to the central station, in the event the subject does not correct the out of boundary condition within a specified time interval (see column 5, lines 14-23), which reads on the claimed, "said wireless controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunication device is determined to be outside Said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jones with Camhi to include the above delay before reporting the out of boundary condition in order to allow the subject a chance to correct the condition as suggested by Camhi (see column 5, lines 14-23).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones and Camhi do not disclose a presence controller for defining one or more availability rules associated with a user of the device depending on a position condition of the telecommunications device.

Mamdani et al. further disclose a presence controller (rules engine 254) for defining one or more availability rules associated with a user of the device depending on a position condition of the telecommunications device, availability of the user including being independent of the wireless device (paragraph 42, rules engine 254 uses location information from location server 259 to determine what information should be sent to the mobile subscriber 110. The rules engine 254 knows what kind of notifications (the notifications are the rules set by the user) should be sent to the user depending on the position of the user device.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mamdani et al. into the teachings of Jones and Camhi for the purposes of notifying the mobile subscriber about information regarding to the mobile subscriber's current location (paragraph 42).

As to claim 10, Jones and Camhi and Mamdani et al. teach everything as applied in claim 9 and Jones further discloses:

said positioning controller receives global positioning network signals for determining a position of said wireless communications device (paragraph 24).

As to claim 11, Jones and Camhi and Mamdani et al. teach everything as applied in claims 9-10 and Jones further discloses:

said communications controller comprises a cellular network controller for transmitting on a cellular telephone network to said administrative device (paragraph 19).

As to claim 14, Jones discloses:

A telecommunications method (paragraph 2), comprising: affixing a wireless device (20) to a predetermined object (paragraph 17); and programming said wireless device to be in a first predetermined geographic range (paragraph 19); generating an audible warning if said wireless device is determined to be outside said first predetermined geographic range (paragraph 24); and transmitting one or more alerting signals to an administrative device (40) when said wireless device is determined to be outside said first predetermined geographic range (paragraph 24);

availability of the user including being independent of the wireless device (abstract, the system reports the wearer of a wireless communications device is unavailable within the predetermined location).

However, Jones fails to disclose said wireless device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible warning has been generated. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Camhi.

In a similar field of endeavor, Camhi discloses a system where upon detecting that the subject is beyond his permitted geographic confines, the processor may implement the annunciator to provide an audible or visual warning to the subject followed by a communication of such out of boundary condition to the central station, in the event the subject does not correct the out of boundary condition within a specified time interval (see column 5, lines 14-23), which reads on the claimed, "said wireless controller is adapted to cause positioning information to be transmitted to an associated

administration device when said telecommunication device is determined to be outside said first predetermined geographic range for longer than a predetermined period after said audible alarm has been generated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Jones with Camhi to include the above delay before reporting the out of boundary condition in order to allow the subject a chance to correct the condition as suggested by Camhi (see column 5, lines 14-23).

Jones also disclose a presence controller for defining one or more availability rules of the device depending on a position condition of the telecommunications device (abstract).

Jones and Camhi do not disclose programming a presence system with one or more availability rules associated with the first and second geographic ranges for contacting a user of the wireless device.

Mamdani et al. further disclose programming a presence system with one or more availability rules associated with the first and second geographic ranges for contacting a user of the wireless device including independently of the wireless device (paragraph 42, rules engine 254 uses location information from location server 259 to determine what information should be sent to the mobile subscriber 110. The rules engine 254 knows what kind of notifications (the notifications are the rules set by the user) should be sent to the user depending on the position of the user device.).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Mamdani et al. into the teachings

of Jones and Camhi for the purposes of notifying the mobile subscriber about information regarding to the mobile subscriber's current location (paragraph 42).

8. Claims 3, 12, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Camhi and Mamdani et al. (US 2006/0003780 A1) as applied to claims 1 and 14 above, and further in view of Chaco (U.S. 7,034,690 B2).

As to claim 3, Jones and Camhi and Mamdani et al. teach everything as applied in claim 1; however, neither Jones nor Camhi and Mamdani et al. fail to disclose said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

In an analogous art, Chaco teaches said wireless communications controller is adapted to cause positioning information to be transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range (column 8, lines 59-67; column 9, lines 8-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunications device and wireless communications controller, taught by Jones and Camhi and Mamdani et al., said wireless communications controller is adapted to cause positioning information to be

transmitted to an associated administration device when said telecommunications device is determined to be outside a second predetermined geographic range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected

As to claim 12, Jones and Camhi and Mamdani et al. teach everything as applied in claim 9 above; however, neither Jones nor Camhi and Mamdani et al. teach teaches said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

Chaco also teaches said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range (column 4, lines 28-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the system and administrative device, taught by Jones and Camhi and Mamdani et al., said administrative device is adapted to display location information when said wireless device is determined to be outside said second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 13, Jones and Camhi and Mamdani et al. teach everything as applied in claim 9 above and Chaco teach everything as applied in claim 12 and Jones further discloses:

said predetermined range is associated with one or more of a geographic range, time-of-day range, daily routine, or date range (paragraph 20).

As to claim 16, Jones and Camhi and Mamdani et al. teach everything as applied in claim 14; however, neither Jones nor Camhi and Mamdani et al. fail to disclose transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Chaco.

In an analogous art, Chaco teaches transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range (column 8, lines 59-67; column 9, lines 8-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the method, taught by Jones and Camhi and Mamdani et al., transmitting one or more alerting signals to an administrative device when said wireless device is determined to be outside a second predetermined range, as taught by Chaco, in order to detect the wireless device's movement from one area to another and initiating an alarm or instituting a search when unwarranted movement is detected.

As to claim 17, Jones and Camhi and Mamdani et al. teach everything as applied in claim 14 and Chaco teaches everything as applied in Claim 16 and Jones further discloses:

said administrative device comprises a telephony device (paragraph 17).

As to claim 18, Jones and Camhi and Mamdani et al. teach everything as applied in claim 14 and

Chaco teaches everything as applied in claim 16 and Jones further discloses:

said one or more alerting signals comprise one or more e-mail signals (paragraph 25).

As to claim 19, Jones and Camhi and Mamdani et al. teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses:

said one or more alerting signals comprise one or more Instant Messaging signals (paragraph 25).

As to claim 20, Jones and Camhi and Mamdani et al. teach everything as applied in claim 14 and Chaco teaches everything as applied in claim 16 and Jones further discloses:

said first and second predetermined ranges are associated with at least one of geographic range, daily routine, time-of-day range, or date range (paragraph 20).

Response to Arguments

9. Applicant's arguments filed 4/17/08 have been fully considered but they are not persuasive.

Regarding the Mamdani reference, applicant argues that, Mamdani does not teach “a presence controller for defining <u>one or more availability rules</u> associated with a user of the device depending on a position condition of the telecommunications device.”	In contrast to applicant’s assertions, in paragraph 42, Mamdani teaches rule engine 254 uses location information from location server 259 to determine what kind of notifications should be sent to the user depending on the position of the user device. The notifications are the rules used to determine what notifications should be sent.
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - Thu 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

Justin Lee
AU 2617
7/9/08